

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TEXAS
TYLER DIVISION

Cheetah Omni LLC,

Plaintiff,

vs.

Alcatel-Lucent USA Inc., et al.

Defendants.

HONORABLE LEONARD DAVIS

Case No. 6:11CV390

JURY TRIAL DEMANDED

DEFENDANTS' PROPOSED FORM OF VERDICT

In answering these questions, you are to follow all of the instructions I have given you in the Charge of Court.

1. Did Cheetah prove by a preponderance of the evidence that Tellabs directly and literally infringed any of the asserted claims of the patents listed below? If you decide that the independent claim in bold has not been infringed, the dependent claims cannot have been infringed.

Answer "Yes" or "No" for each listed claim:

'459 Patent:

Claim 1: _____

Claim 14: _____

Claim 15: _____

Claim 16: _____

Claim 17: _____

'647 Patent:

Claim 1: _____

Claim 9: _____

Claim 15: _____

Claim 16: _____

Claim 20: _____

Claim 22: _____

Claim 24: _____

Claim 26: _____

2. Did Tellabs prove by clear and convincing evidence that any of the claims of the patents listed below are invalid as being obvious to a person of ordinary skill in the art at the time the application was filed?

Answer “Yes” or “No” for each listed claim:

‘459 Patent:

Claim 1: _____

Claim 14: _____

Claim 15: _____

Claim 16: _____

Claim 17: _____

‘647 Patent:

Claim 1: _____

Claim 9: _____

Claim 15: _____

Claim 16: _____

Claim 20: _____

Claim 22: _____

Claim 24: _____

Claim 26: _____

3. Did Tellabs prove by clear and convincing evidence that any of the listed claims of the ‘647 patent are invalid for failing to disclose sufficient information to enable one skilled in the field of the invention, at the time the application was filed, to make and use the claimed invention?

Answer “Yes” or “No” for each listed claim:

‘647 Patent:

Claim 1: _____

Claim 9: _____

Claim 15: _____

Claim 16: _____

Claim 20: _____

Claim 22: _____

Claim 24: _____

Claim 26: _____

4. Did Tellabs prove by clear and convincing evidence that any of the listed claims of the '647 patent are invalid for failing to provide an adequate written description of the claimed invention?

Answer "Yes" or "No" for each listed claim:

'647 Patent:

Claim 1: _____

Claim 20: _____

Claim 9: _____

Claim 22: _____

Claim 15: _____

Claim 24: _____

Claim 16: _____

Claim 26: _____

5. Did Tellabs prove that Cheetah delayed filing this lawsuit such that laches should apply?

Yes: _____

No: _____

6. If Cheetah has proven by a preponderance of the evidence that Tellabs has infringed at least one valid claim of the '459 or '647 patents, what amount of money, if any, do you find should be awarded to Cheetah as a reasonable royalty to compensate for any infringement by Tellabs?

Answer: \$_____

7. Did Cheetah prove by a preponderance of the evidence that Fujitsu Network Communications, Inc. (“FNC”) directly and literally infringed any of the asserted claims of the patents listed below? If you decide that the independent claim(s) in bold have not been infringed, the dependent claims cannot have been infringed.

Answer “Yes” or “No” for each listed claim:

‘771 Patent:

Claim 12: _____

Claim 13: _____

Claim 14: _____

‘714 Patent:

Claim 5: _____

Claim 19: _____

‘862 Patent:

Claim 1: _____

Claim 2: _____

Claim 3: _____

Claim 4: _____

Claim 5: _____

Claim 7: _____

Claim 20: _____

8. Did Cheetah prove by a preponderance of the evidence that FNC infringed under the doctrine of equivalents any of the asserted claims of the patent listed below? If you decide that the independent claim(s) in bold have not been infringed, the dependent claims cannot have been infringed.

Answer “Yes” or “No” for each listed claim:

‘714 Patent:

Claim 5: _____

Claim 19: _____

9. Did Cheetah prove by a preponderance of the evidence that FNC actively induced infringement of any of the asserted claims of the patents listed below? If you decide that the independent claim(s) in bold have not been infringed, the dependent claims cannot have been infringed.

Answer “Yes” or “No” for each listed claim:

‘771 Patent:

Claim 12: _____

Claim 13: _____

Claim 14: _____

‘714 Patent:

Claim 5: _____

Claim 19: _____

10. Did Cheetah prove by a preponderance of the evidence that FNC committed contributory infringement of any of the asserted claims of the patents listed below? If you decide that the independent claim(s) in bold have not been infringed, the dependent claims cannot have been infringed.

Answer “Yes” or “No” for each listed claim:

‘771 Patent:

Claim 12: _____

Claim 13: _____

Claim 14: _____

‘714 Patent:

Claim 5: _____

Claim 19: _____

11. Did FNC prove by clear and convincing evidence that any of the listed claims of the patents listed below are invalid as anticipated?

Answer “Yes” or “No” for each listed claim:

‘771 Patent:

Claim 12: _____

Claim 13: _____

Claim 14: _____

‘714 Patent:

Claim 5: _____

Claim 19: _____

‘862 Patent:

Claim 1: _____

Claim 2: _____

Claim 3: _____

Claim 4: _____

Claim 5: _____

Claim 7: _____

Claim 20: _____

12. Did FNC prove by clear and convincing evidence that any of the claims of the patents listed below are invalid as being obvious to a person of ordinary skill in the art at the time the application was filed?

Answer “Yes” or “No” for each listed claim:

‘771 Patent:

Claim 12: _____

Claim 13: _____

Claim 14: _____

‘714 Patent:

Claim 5: _____

Claim 19: _____

‘862 Patent:

Claim 1: _____

Claim 2: _____

Claim 3: _____

Claim 4: _____

Claim 5: _____

Claim 7: _____

Claim 20: _____

13. Did FNC prove by clear and convincing evidence that any of the listed claims of the listed patents are invalid for failing to disclose sufficient information to enable one skilled in the field of the invention, at the time the application was filed, to make and use the claimed invention?

Answer “Yes” or “No” for each listed claim:

‘771 Patent:

Claim 12: _____

Claim 13: _____

Claim 14: _____

‘714 Patent:

Claim 5: _____

Claim 19: _____

‘862 Patent:

Claim 1: _____

Claim 2: _____

Claim 3: _____

Claim 4: _____

Claim 5: _____

Claim 7: _____

Claim 20: _____

14. Did FNC prove by clear and convincing evidence that any of the listed claims of the listed patents are invalid for failing to provide an adequate written description of the claimed invention?

Answer “Yes” or “No” for each listed claim:

‘771 Patent:

Claim 12: _____

Claim 13: _____

Claim 14: _____

‘714 Patent:

Claim 5: _____

Claim 19: _____

‘862 Patent:

Claim 1: _____

Claim 2: _____

Claim 3: _____

Claim 4: _____

Claim 5: _____

Claim 7: _____

Claim 20: _____

15. Did FNC prove that Cheetah delayed filing this lawsuit such that laches should apply?

Yes: _____

No: _____

16. If Cheetah has proven by a preponderance of the evidence that FNC has infringed at least one valid claim of the '771, '862, or '714 Patents, what amount of money, if any, do you find should be awarded to Cheetah as a reasonable royalty to compensate for any infringement by FNC?

Answer: \$ _____

DATE

FOREPERSON